

# TUSAYAN ROADWAY EASEMENTS Forest Service Decision Framework

Kaibab National Forest  
Tusayan Ranger District



The easement process was initiated with a special use application from the Town of Tusayan, which was reviewed by the Forest Service for consistency with applicable law, regulation and agency policy, and accepted. Following application acceptance, the National Environmental Policy Act (NEPA) requires the Forest Service to analyze potential effects of approving or not approving the easements. The NEPA process will result in an Environmental Assessment (EA) or Environmental Impact Statement (EIS). Upon completion of the NEPA process, the Forest Service may decide to approve the easements as requested, approve easements with modifications to the proposed improvements, or leave access as it exists. Following are a few of the laws, regulations, and policy governing the decision making on this proposal.

## National Environmental Policy Act

**NEPA** [42 U.S.C. §4321 et seq. (1969)] was one of the first laws ever written that establishes the broad national framework for protecting our environment. NEPA's basic policy is to assure that all branches of government give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment.

NEPA requirements are invoked when a federal action may significantly affect the quality of the human environment. EAs and EISs, which are assessments of the likelihood of impacts from alternative courses of action, are required from all federal agencies and are the most visible NEPA requirements.

## Council of Environmental Quality

The **Council on Environmental Quality** (CEQ) coordinates federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives. CEQ was established within the Executive Office of

the President by Congress as part of the National Environmental Policy Act of 1969 and additional responsibilities were provided by the Environmental Quality Improvement Act of 1970.

## Forest Roads and Trails Act

The **National Forest Roads and Trails Act** of October 13, 1964, (16 U.S.C. 532-538, Pub. L. 88-657) provides authority that allows the Forest Service to work cooperatively with state, county, or local public road authorities for the cooperative planning, survey, design, construction, reconstruction, improvement, and maintenance of certain "Forest Roads." Of note, Region 3 further defined the authority such that they can only grant an easement to a public road management agency, or road users or improvement district, of the affected landowners.

## Federal Land Policy and Management Act

The **Federal Land Policy and Management Act** (FLPMA) provides additional direction for ingress and egress to private lands within National Forest System land boundaries. FLPMA is the authority for issuing permits and easements for private roads to in-holdings not covered by the National Forest Roads and Trails Act.

## Alaska National Interest Lands Conservation Act

The **Alaska National Interest Lands Conservation Act** (ANILCA), originally established to protect federal lands, includes provisions that regulate development and use of private lands, in Alaska, adjacent to federal lands that required access across federal lands. Originally applicable to lands in Alaska, this law now applies to federal lands outside of Alaska. A provision of the law requires that a private owner shall be given rights necessary to assure adequate and feasible access for economic and other purposes; such rights shall be subject to reasonable regulations to protect the natural and other values of such lands.